UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 23, 2005

Charles Carroll
BLM Las Vegas Field Office
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130-2301

Subject: Draft Environmental Impact Statement (DEIS) for the Sloan Canyon National Conservation Area Resource Management Plan, Clark County, Nevada (CEQ #20050113)

Dear Mr. Carroll:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act.

The DEIS analyzes the environmental impacts of the Sloan Canyon National Conservation Area Resource Management Plan (including the North McCullough Wilderness Area) and is an amendment to the Las Vegas Resource Management Plan of 1998. Based on our review, we have rated the DEIS as Environmental Concerns - Insufficient Information (EC-2). We have concerns about mitigation measures to reduce environmental impacts and the cumulative impacts analysis for air quality and water resources. Please see the enclosed Detailed Comments for a description of these concerns and our recommendations. A *Summary of EPA Rating Definitions* is also enclosed.

We appreciate the opportunity to review this DEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me or David P. Schmidt, the lead reviewer for this project. David can be reached at 415-972-3792 or schmidt.davidp@epa.gov.

Sincerely,

/s/

Laura Fujii, Acting Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosures:
EPA's Detailed Comments

Summary of EPA Rating Definitions

Mitigation Measures to Reduce Environmental Impacts

The DEIS references standard operating procedures that will be used as guidance for activities related to the management of the Sloan Canyon National Conservation Area (NCA) (Appendix A, Section 3.0). Examples include best management practices identified by the State of Nevada to minimize impacts to water quality and dust control permits obtained from the local air quality management district. The document does not provide information on specific mitigation measures that will be used to reduce impacts from activities performed under the Resource Management Plan (RMP).

Potential effects from construction of the North McCullough Road right-of-way are described in Section 4.2. Depending upon selection of the northern or southern corridor, potential effects include disturbance to 1,154 acres of habitat of the federally endangered desert tortoise and significant erosion due to steep slopes. Impacts also include PM10 (particulate matter with a diameter of 10 microns or less) emissions from construction and operational activities (up to 13.1 tons/year and 42.4 tons/year, respectively). There is no discussion of mitigation measures that could reduce the effects of these environmental impacts.

Council on Environmental Quality (CEQ) regulations require that environmental impact statements discuss means to mitigate adverse environmental impacts (40 CFR 1502.16). "Mitigation measures must be considered even for impacts that by themselves would not be considered 'significant.' Once the proposal itself is considered as a whole to have significant effects . . . mitigation measures must be developed where it is feasible to do so." (CEQ's Forty Questions, #19a and 19b)

Recommendations:

The Final Environmental Impact Statement (FEIS) should evaluate the feasibility of adopting mitigation to avoid, reduce or compensate for the adverse environmental impacts from construction and other activities under the RMP. All relevant, reasonable mitigation measures that could improve the project should be identified.

In addition, because a portion of the NCA is in Las Vegas Valley PM10 nonattainment area, EPA recommends use of the following measures to reduce construction emissions of criteria air pollutants and hazardous air pollutants (air toxics):

- Reduce emissions of diesel particulate matter (DPM) and other air pollutants by using particle traps and other technological or operational methods. Control technologies such as traps control approximately 80 percent of DPM. Specialized catalytic converters (oxidation catalysts) control approximately 20 percent of DPM, 40 percent of carbon monoxide emissions, and 50 percent of hydrocarbon emissions.

- Ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use.
- Prohibit engine tampering to increase horsepower.
- Locate diesel engines, motors, and equipment as far as possible from residential areas and sensitive receptors (schools, daycare centers, and hospitals).
- Require low sulfur diesel fuel (<15 parts per million), if available.
- Reduce construction-related trips of workers and equipment, including trucks.
- Lease or buy newer, cleaner equipment (1996 or newer model), using a minimum of 75 percent of the equipment's total horsepower.
- Use engine types such as electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations.
- Adopt a *Construction Emissions Mitigation Plan* to reduce construction emissions.
- Work with the local air pollution control district(s) to implement the strongest mitigation for reducing construction emissions.

Cumulative Impacts Analysis

The Sloan Canyon NCA RMP covers a 20-year planning period. As stated in the document, the adjacent cities of Las Vegas and Henderson form one of the fastest growing metropolitan areas in the United States. Due to the proximity of these areas, environmental effects from this growth will have an impact on the NCA. Although references are made to these environmental pressures in the document, their impacts are not addressed in the cumulative impacts analysis.

For example, the document states that air quality and hydrology are two resources that have the potential for cumulative impacts (p. 4-133). However, the document provides no analysis of how anticipated growth in the area will impact air quality in the NCA over the next 20 years. The document also indicates that the cumulative impacts on hydrology will be negligible without analyzing the potential impacts from groundwater development projects that might effect the numerous springs and seeps in the NCA and the flora and fauna that depend on them.

The definition of *cumulative impact* is "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 CFR Part 1508.7). Per guidance provided by the Council on Environmental Quality (CEQ), the cumulative impacts analysis should provide the context for understanding the magnitude of the impacts of the alternatives by analyzing the impacts of other past, present, and reasonably foreseeable projects or actions and then considering those cumulative impacts in their entirety (CEQ's Forty Questions[1], #18). Where adverse cumulative impacts may exist, the DEIS should disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.

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[1] Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 40 CFR Parts 1500-1508, Federal Register, Vol. 46, No. 55, March 23, 1981.

Recommendations:

The FEIS should provide a substantive discussion of, and quantify where possible, the cumulative effects of the project when considered with other past, present, or reasonably foreseeable projects, regardless of what agency or person undertakes those actions. The document should also propose mitigation for all cumulative impacts, and clearly state the lead agency's mitigation responsibilities and the mitigation responsibilities of other entities.